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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,086	05/23/2001	Alan Keith James Rogan	09042.0005U2	1805
23859	7590	06/14/2006	EXAMINER	
NEEDLE & ROSENBERG, P.C.			HAMILTON, LALITA M	
SUITE 1000			ART UNIT	
999 PEACHTREE STREET			PAPER NUMBER	
ATLANTA, GA 30309-3915			3624	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/864,086	ROGAN ET AL.	
	Examiner	Art Unit	
	Lalita M. Hamilton	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08272001</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-40 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4, 13, 15, 17, 25-26, 29, and 37-38 are rejected for containing conditional limitations. It is unclear what is to happen if the limitation does not occur.

The remaining claims are rejected for their dependency upon the rejected claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker (6,443,843).

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Walker discloses a method and corresponding system and computer program product for game play for products comprising providing a plurality of packages each containing a consumer product identified by a universal product code to at least one consumer (col.9, lines 55-65; col.11, line 50 to col.12, line 6; and col.20, lines 28-41); establishing a package identification number having a predetermined format for each package, wherein the package identification numbers for the plurality of packages form a group of package identification numbers (col.9, lines 55-65; col.11, line 50 to col.12, line 6; and col.20, lines 28-41); storing the package identification number for each package in a first database (col.9, lines 55-65; col.11, line 50 to col.12, line 6; and col.20, lines 28-41); storing establishing a cross-reference between the group of package identification numbers and the universal product code (col.9, lines 55-65; col.11, line 50 to col.12, line 6; and col.20, lines 28-41); saving the cross-reference between the group of package identification numbers and the universal product code in the first database (col.9, lines 55-65; col.11, line 50 to col.12, line 6; and col.20, lines 28-41); employing a Web browser program to run a Web site that offers an Internet game, wherein the Web site is electronically coupled to the first database (col.6, lines 15-35 and col.13, line 60 to col.14, line 60); permitting access to the Internet game by the at least one consumer to play the Internet game upon presentation of a package identification number having the predetermined format over the Internet only if the package identification number has not been presented yet (col.14, lines 10-60—new product to be purchased);

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denying access to the Internet game by the at least one consumer to play the Internet game upon presentation of a package identification number having the predetermined over the Internet if the package identification number has been presented (col.14, lines 10-60); employing the Web browser program to allow the at least one consumer to interactively play the Internet game once the access to the Internet game is granted and rewarding the at least one consumer according to the outcome of the Internet game with one or more packages of the consumer product, one or more packages of other consumer products, or one or more opportunities to play the Internet game (col.5, lines 17-30 and col.13, line 60 to col.14, line 60); employing the Web browser program to allow the consumer to select another Internet-related activity other than the Internet game once the access to the Internet game is denied and rewarding the consumer according to the outcome of the Internet-based related activity with one or more packages of the consumer product, one or more packages of other consumer products, or one or more opportunities to play the Internet game (col.5, lines 17-30 and col.13, line 60 to col.14, line 60—may select activities); determining if the format of the package identification number for a package containing the consumer product matches the predetermined format, determining if the package identification number exists in the first database when the format of the package identification number for a package containing the consumer product matches the predetermined format, determining if the package identification number exists in a second database when the package identification number exists in the first

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database, permitting access to the Internet game by the at least one consumer if the package identification number does not exist in the second database, and storing the package identification number in the database (col.11, line 59 to col.12, line 6; col.14, lines 3-21; and col.20, lines 28-41—if product number does not exist, the product must not exist, and the records are stored in database); the package identification number is generated by a random number generator (col.11, line 59 to col.12, line 6; col.14, lines 3-21; and col.20, lines 28-41—may be any number); the format of the package identification number is a sequence of randomly arranged Arabic numerals (col.11, line 59 to col.12, line 6; col.14, lines 3-21; and col.20, lines 28-41—may be any number); the length of the package identification number is no less than six (6) digits (col.11, line 59 to col.12, line 6; col.14, lines 3-21; and col.20, lines 28-41—may be any number); the package identification number is printed on the package and accessible by the at least one consumer (col.11, line 59 to col.12, line 6; col.14, lines 3-21; and col.20, lines 28-41); the package identification number is printed on a printing medium that is associated with the package (col.11, line 59 to col.12, line 6; col.14, lines 3-21; and col.20, lines 28-41); the printing medium includes a sticker or a label (col.11, line 59 to col.12, line 6; col.14, lines 3-21; and col.20, lines 28-41); the consumer product is popcorn and the package containing popcorn is microwaveable (col.11, line 59 to col.12, line 6; col.14, lines 3-21; and col.20, lines 28-41—may be any product); and counting the number of accesses to the Web site for the consumer product from the cross-reference between the group

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of package identification numbers and the universal product code (col.11, line 59 to col.12, line 6; col.14, lines 3-21; and col.20, lines 28-41).

Provisional Application Listed on PTO-892 form

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

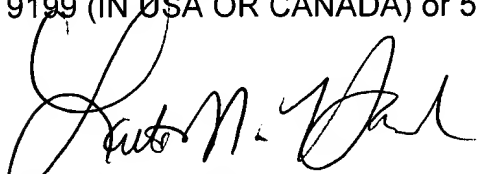
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Lalita M. Hamilton', is written over the printed name.

Lalita M. Hamilton
Primary Examiner, 3624